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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,878

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J. Edward Gibson

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HUSCH & EPPENBERGER, LLC

190 CARONDELET PLAZA

SUITE 600

ST. LOUIS, MO 63105-3441

EXAMINER

HOAR, COLLEEN A

ART UNIT

PAPER NUMBER

4172

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,878

Applicant(s)

GIBSON, J. EDWARD

Examiner

COLLEEN HOAR

Art Unit

4172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/25/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 5/25/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-24 are examined.

Claim Objections

Claim 20 is objected to because of the following informalities: Claim 20 refers to itself as a dependent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-9, 11-13, 15, 24, rejected under 35 U.S.C. 103(a) as being unpatentable over Sloot, (2004/0054544) in view of Applicant Admission of Prior Art hereinafter referred to as Applicant.

As per Claim 1, 24:

Sloot discloses a method and apparatus for fundraising, comprising:

(c.) and (d.) contacting sponsors and printing logos relating to fundraiser on fundraising kit (Sloot, Para 16, Para 37, logos of a sponsor are printed on money collection apparatus 110.)

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- (f.) collecting donations in the at least one money collection apparatus; and
(Sloot, Para 11, collecting coins into fundraising kits)
(g.) taking the at least one money collection apparatus containing collected donations to a primary sponsor. (Sloot, Para 28, the money collected is returned to the entity hosting the fundraiser)

While Sloot does not explicitly disclose that the first party is a fundraiser organization, that a fundraiser has been proposed, or that this happens before potential sponsors have been contacted, Applicant admits that it is old and well known that (a) parties contact each other to have a fundraiser and (b) agree to a program and perform various services associated with the fundraiser, (Para. 4), then (c) and (e) recruit sponsors (Para 12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the first party in Sloot to be a fundraising company that would contact with an organization to perform various services associated with raising funds, including contacting potential sponsors to place advertisement (along with collecting monies) on fundraising apparatus. A sponsor would have been motivated to gain public goodwill by associating with a fundraising activity and receive customer recognition through increased public exposure to the advertisement.

As per Claim 2

Sloot discloses:

The method according to claim 1, further comprising the step of distributing the at least one money collection apparatus to a plurality of donors. (Sloot, Para 35, container is

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distributed to volunteers)

As per Claim 4, 11-13, 15

Sloot discloses:

The method according to claim 1, further comprising the step of returning the at least one money collection apparatus to the advertising company. (Sloot, Para 28, the money collected is returned to the entity hosting the fundraiser)

As per Claim 5

Sloot does not specifically disclose the step of contracting with a fundraising party. The Applicant has admitted in the specification package (Para 4) that it is old and well known that a representative agrees to the fundraising program. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the first party to contract with at least one potential sponsor. One would have been motivated to reduce expenses associated with a fundraiser in multiple ways.

As per Claim 6-8

Sloot discloses:

The method according to claim 1, further comprising the step of printing the at least one money collection apparatus. (Sloot, Para 16, Para 37, Para 39, Fig 3, 4a-4d, 5)

As per Claim 9

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Sloot discloses:

The method according to claim 1, further comprising the step of collecting donations in the at least one money collection apparatus. (Sloot, Para 8, 9, 27)

Claims 3, 10, 14, 16-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Sloot, (2004/0054544) in view of Applicant Admission of Prior Art and further in view of Unicef material.

As Per Claims 3,10, 14, 16-17:

Sloot discloses printing and distributing a box for collecting donations which are returned but does not explicitly disclose multiple sponsors or removing donations from said box. Unicef discloses a similar system for collecting donations which further discloses multiple sponsors (Pgs 16-19) and depositing donations into a Coinstar machine, online, by phone, or by mailing a check or money order (pg 1). Sloot discloses tracking and identifying fundraising kits (Para 38) but does not specify reporting. Unicef reports results of 2001, 2000, 1999 fundraising campaigns (pg 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sloot to include collecting funds in various ways and reporting results to communicate to fundraisers the results of their activities, to generate satisfaction, and increase the likelihood of more donations in the future.

Claims 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Sloot, (2004/0054544) and further in view of Unicef material.

As per Claim 19

Sloot ('544) discloses:

- b. and c. receiving a commitment from the at least one hosting sponsor to provide advertising sponsorship; (Sloot Para 37)
- d. obtaining the at least one money collection apparatus with at least one advertisement advertising goods or services of the committed at least one hosting sponsor secured thereto; and (Sloot, Para 37, Fig. 3, 4a-4d, 5)
- e. distributing the at least one money collection apparatus via a plurality of fundraising organization participants. (Sloot, Para 35, container is distributed to volunteers)

Sloot does not specifically disclose having a (a.) sponsor manufacture money collection apparatus. Unicef, (page 16) teaches a sponsor, TNT, providing print advertising material and collection cartons for distribution in each of their markets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a sponsor pay to manufacture at least one money collection apparatus having at least one advertisement secured thereto. A sponsor would have been motivated to gain public goodwill by associating with a fundraising activity and receive customer recognition through increased public exposure to the advertisement.

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Claims 18, 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Sloot, (2004/0054544) in view of Unicef material and further in view of Applicant Admission of Prior Art.

As per Claim 18

Sloot and Unicef disclose raising funds using sponsors, in kind donations and volunteers for printing, distribution, broadcasting, counting expenses but do not specifically disclose the step of calculating a fee based on a report. The Applicant has admitted in the specification package (Para 10) that it is old and well known that an entity split the amount raised with the fundraising company. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the fundraising company to calculate a fee for raising funds. One would have been motivated to charge for activities in order to cover expenses and possibly make a profit.

As per Claim 20, 21

Sloot and Unicef disclose having sponsors but does not specifically teach the step of compiling a host list of at least one hosting sponsor or advertising supply company. The Applicant has indicated in the specification package (Para 12) that it is old and well known to recruit others to sponsor fundraising activities and otherwise assist in preparations. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the fundraising company to compile a list of at least one hosting sponsor which may be an advertising supply company. One would have

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been motivated to use sponsors and advertisers to cover expenses for the fundraiser so that the maximum amount of donations could be given to entity benefiting from the fundraiser.

As per Claim 22

Sloot ('544) discloses:

The method according to claim 20, further comprising the step of collecting donations by way of the at least one money collection apparatus. (Sloot, Para 11, fundraising kits are filled with collected coins.)

As per Claim 23

Sloot ('544) discloses:

The method according to claim 22, further comprising the step of depositing the collected donations with the at least one hosting sponsor. (Sloot, Para 28, the money collected is returned to the entity hosting the fundraiser)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Giraldo (6129354) discloses a donation collection device that provides a printout.

Kaas (2003/0208360) discloses independent contractors who provide all services for a fund raising customer and issues a credit for proceeds to customer for a substantial portion of the entire amount, if not the entire amount of the order.

Silcox (D307504 and D304644) disclose a design for a combined confectionery tray, advertising holder and donation box.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN HOAR whose telephone number is (571)270-3447. The examiner can normally be reached on Monday- Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/
Primary Examiner, Art Unit 4172

Colleen Hoar
Examiner
Art Unit 4172

January 3, 2008